



CITY OF LAUREL, MARYLAND

ORDINANCE NO. 2044

TEXT AMENDMENT NO. 268

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAUREL, MARYLAND TO AMEND THE UNIFIED LAND DEVELOPMENT CODE, CHAPTER 20, "LAND DEVELOPMENT AND SUBDIVISION REGULATIONS," ARTICLE 1, "ZONING," DIVISION 2, "ADMINISTRATION AND ENFORCEMENT," TO ADD SECTION 20-3.7, "VALIDATION OF A PERMIT OR LICENSE ISSUED IN ERROR AND PROVIDING AN EFFECTIVE DATE."

Sponsored by the President at the request of the Administration.

WHEREAS, the City of Laurel issues building, use and occupancy, and sign permits, as well as apartment licenses, for buildings and uses within the City; and

WHEREAS, all applications for said permits and licenses are evaluated by City Staff for compliance with the City's Unified Land Development Code, to assure compliance with all applicable zoning requirements and subdivision regulations; and

WHEREAS, in any such evaluation, mistakes may occur, resulting in the erroneous issuance of a permit or license; and

WHEREAS, if a mistake in the issuance of a license or permit occurs, and said issuance is not caused by fraud or misrepresentation by the applicant, the applicant has expended funds in good faith based on the erroneously issued license or permit, and certain other requirements are met, it would be inequitable to invalidate the license or permit based upon the City's error; and

WHEREAS, the Mayor and City Council has determined that in any such situation, it would be fair and appropriate for the applicant to have an opportunity to validate said license or permit, upon proof of certain requirements, as may be determined by the City Council after a public hearing on the matter; and

WHEREAS, the City's Unified Land Development Code does not currently allow for such a process, but the Mayor and City Council have determined that such a process should be included within said Code; and

WHEREAS, the Annotated Code of Maryland, Local Government Article, Title 5, Section 5-213 authorizes a municipality to enact zoning provisions within its Code; and

WHEREAS, the Laurel City Charter, Section 316, states that the City Council has the power to “pass all ordinances, resolutions or regulations not contrary to the constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the city and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and City Council of Laurel, Maryland that the following sections of the Unified Land Development Code for the City of Laurel, Chapter 20, “Land Development and Subdivision Regulations,” Article 1, “Zoning,” Division 2, “Administration and Enforcement, Section 20-3.7 “Validation of a Permit or License Issued in Error” be added, as follows:

Sec. 20-3.7 Validation of a Permit or License Issued in Error.

- (1) A building, sign or use and occupancy permit, or an apartment license, issued in error may be validated by the City Council in accordance with this Section.
- (2) An application for the validation of a permit or license shall be filed with the Department of Economic and Community Development and shall contain the information which the Director of that Department deems necessary to meet the provisions of this Section. Along with the application, the applicant shall submit the following:
 - (a) A statement listing the names, business addresses and residential addresses of all individuals having at least a five percent (5%) financial interest in the subject property. If any such owner is a corporation, it shall submit a statement listing the officers and Board Members of the corporation, their business addresses, and dates of their terms, but this will not apply to any corporate owner which is listed on a national stock exchange. The above-listed requirements for owners of the subject property shall also apply to any contract purchasers of said property.
 - (b) A copy of the zoning map of the subject property and surrounding properties.
 - (c) A site plan, signed and sealed by a licensed engineer or land surveyor licensed in the State of Maryland, showing all existing improvements upon the subject property, as well as a schedule showing the number of required and provided off-street parking and loading spaces, with the location of said spaces shown on the site plan.
- (3) The Department shall transmit said application to the Planning Commission for a public hearing to be held regarding the application, along with the following:
 - (a) all materials submitted for the validation application, and all materials submitted for the permit or license at issue.

Underlining indicates new language added.

~~Strikethroughs indicate language deleted.~~

* * * Asterisks indicate intervening language and section unchanged.

- (b) A written statement explaining the facts and circumstances resulting in the erroneous issuance of the permit or license at issue.
 - (c) A copy of all relevant plans and other documents in the Department's possession regarding the permit or license at issue, and any other materials related to the property for which the permit or license was issued, e.g. permit history, land use decisions, etc.
 - (d) A copy of the zoning map of the subject property and surrounding properties.
- (4) The Planning Commission shall hold a public hearing on said application, with notice of the hearing as set forth in Section 20-4.5 of the City's Unified Land Development Code.
- (5) The Planning Commission shall render a decision as a recommendation to the City Council, upon the Commission's determination of the following criteria:
- (a) No fraud or misrepresentation was practiced in obtaining the permit or license.
 - (b) At the time of the issuance of the permit or license, no appeal or controversy regarding the issuance was pending before anybody.
 - (c) The applicant acted in good faith, expending funds and/or incurring obligations in reliance on the issuance of the permit or license.
 - (d) The validation will not be against the public interest.
- (6) The Planning Commission's recommendation, upon a majority vote taken in a public session, shall be transmitted to the City Council within five (5) working days of the date that the hearing concluded.
- (7) Upon receipt of the Planning Commission's recommendation on the application, the City Clerk shall schedule a hearing before the City Council at a specified date, time and place, and shall cause the notice of same to be published once, at the
- (8) expense of the applicant, in a paper of general circulation in the City, with said notice to include the application number; date, time and place of the hearing, a summary of the facts involved in the requested validation, and the location of the subject property. Said notice shall also be sent by the Department of Economic and Community Development to all owners of record of real property immediately adjacent to the subject property, as well as directly across any public right-of-way from the subject property. Failure of any property owner entitled to receive such mailing shall not constitute a reason to prevent or nullify the hearing on said

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application. The hearing shall be scheduled at least fifteen (15) days following the date of the newspaper publication of the hearing notice.

(9) Any interested person shall have the right to submit oral or written testimony at or before the hearing; no testimony or other evidence shall be permitted to be entered into the record after the hearing is closed.

(10) After the hearing is closed, the City Council shall vote on the application in open session, and the decision shall be that of a majority vote of the City Council.

(11) The decision of the City Council may be appealed to the Circuit Court for Prince George's County, Maryland.

(12) Any building, structure or use for which a permit issued in error has been validated by the City Council shall be deemed a nonconforming building or structure, or a certified nonconforming use, unless otherwise specified by the City Council when it validates the permit. The nonconforming building or structure, or certified nonconforming use, shall be subject to all provisions of Chapter 20, Article 1, Division 11 of the City's Unified Land Development Code

AND, BE IT FURTHER ENACTED AND ORDAINED, that this Ordinance shall take effect on the date of its passage.

PASSED this _____ day of _____, 2025.

ATTEST:

SARA A. GREEN, CPM, MMC
City Clerk

KYLA M. CLARK
President of the City Council

APPROVED this _____ day of _____, 2025.

KEITH R. SYDNOR
Mayor

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